

REMARKS

No claim has been amended. Claims 1-12 and 15-40 remain in the application.

Claims 11, 12, and 15-20 are rejected over prior art; claims 1-10 and 21-37 have been allowed; and the Examiner has not indicated the status of claims 38-40. For the reasons to follow, claims 11, 12, and 15-20 are believed to distinguish over the cited prior art, and claims 38-40 are believed to be allowable for the same reasons as corresponding method claims 1, 9, and 11, respectively.

Rejection of Claims 11, 12, and 15-20

Claims 11, 12, and 15-20 stand rejected under 35 U.S.C. §103(a) as allegedly being obvious over Nielsen (USP 6,182,229) in view of Bellemore et al. (US 6,145,086) and Brown et al. (US 6,618,806). This rejection is respectfully traversed.

As noted in the previous Amendment Response, independent claim 11 relates to a method of changing a first password for securing files accessible by password data entry to a second other password, including the steps of :

determining a plurality of files secured with the first password;

authorizing an individual requesting a change of the first password prior to changing the first password by determining a user authorization method having an associated security level sufficient for accessing the secured first password, where some user authorization methods have different associated security levels than others, and authorizing an individual according to the determined user authorization method;

when the individual is authorized, providing a second other password for securing the plurality of files;

for each file secured with the first password, accessing the file with the first password and securing the file with the second other password; and

storing the second other password in a password database.

As set forth in M.P.E.P. §§2142-2143.03, in order to establish a *prima facie* case of obviousness, patent examiners are required to establish three criteria: (1) there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings; (2) there must be a reasonable expectation of success; and (3) the prior art

reference, or combination of references, must teach or suggest all the claim limitations. The examiner bears the initial burden of factually supporting any *prima facie* conclusion of obviousness. To make a proper obviousness determination, the examiner must "step backward in time and into the shoes worn by the hypothetical 'person of ordinary skill in the art' when the invention was unknown and just before it was made." In view of the available factual information, the examiner must make a determination as to whether the claimed invention "as a whole" would have been obvious at that time to a person of ordinary skill in the art. Importantly, a rejection based on these criteria must be based on what is taught in the prior art, not the applicant's disclosure. The applicant's disclosure may not be used as a blueprint from which to construct an obviousness rejection.

Applicant submits that the obviousness rejection fails to establish *prima facie* obviousness since the cited references do not collectively teach or suggest all the claim limitations and since there is no teaching, suggestion or motivation to modify the reference or to combine reference teachings as the Examiner proposes.

As previously noted, Nielsen does not contemplate a method of changing or updating passwords including the steps of "authorizing an individual requesting a change of the first password prior to changing the first password by determining a user authorization method having an associated security level sufficient for accessing the secured first password, where some user authorization methods have different associated security levels than others, and authorizing an individual according to the determined user authorization method" and "when the individual is authorized, providing a second other password for securing the plurality of files" as now claimed. Nielsen instead discloses a system in which a "master password" may be provided by a user to access a database of passwords that identifies the secure file or other secure information on a different computer and determines the correct associated password for the secure information on the different computer. Even if the "master password" used by Nielsen may be deemed to correspond to the claimed "second password" as noted by the Examiner, Applicant notes that Nielsen clearly does not teach the afore-mentioned steps of "authorizing an individual" and then "providing a second other password for securing the plurality of files" as now claimed. The "master password" taught by Nielsen clearly does not correspond to the claimed "second other password" and Nielsen clearly does not teach the claimed method of changing passwords. Applicant also can find no reference in Nielsen to

how the passwords, particularly the master password, are changed. The teachings of Nielsen are thus not particularly relevant to the claimed features.

The Examiner further acknowledged in the Official Action that Nielsen does not teach the step of: “authorizing an individual requesting a change of the first password prior to changing the first password by determining a user authorization method having an associated security level sufficient for accessing the secured first password, where some user authorization methods have different associated security levels than others, and authorizing an individual according to the determined user authorization method.” For such teachings the Examiner turns to Bellemore et al. and Brown.

Bellemore et al. and Brown do not provide the teachings missing from Nielsen. The Examiner has alleged that Bellemore et al. teach authorizing an individual requesting the change of the password prior to changing of the password. Applicant submits that Bellemore et al. do not teach or suggest the shortcomings in Nielsen noted above with respect to independent claim 11 regarding changing of a password and certainly do not teach the aforementioned steps of “authorizing an individual” and then “providing a second other password for securing the plurality of files” as now claimed. Accordingly, the teachings of Bellemore et al. are not believed to be particularly relevant to independent claim 11. Also, Bellemore et al. do not teach changing passwords as claimed. Moreover, as acknowledged by the Examiner, even if one skilled in the art would have been motivated to combine the teachings of Nielsen and Bellemore et al. as the Examiner proposes, there would still be no teaching of “determining a user authorization method having an associated security level sufficient for accessing the secured first password” and “authorizing an individual according to the determined user authorization method.” For such a teaching, the Examiner refers to Brown et al.

The Examiner alleges that Brown et al. teach authorizing an individual according to a user authorization method having security levels sufficient to access the secured first password as claimed. As noted in the previous amendment response, Brown et al. do not teach determining a user authorization method having an associated security level sufficient for authorizing providing a second password for securing the plurality of files as now claimed. On the contrary, Brown et al. teaches is that multiple authentication rules may exist in a computer network. Brown et al. do not match security levels to the authorization method

used and thus do not teach “determining a user authorization method having an associated security level sufficient for accessing the secured first password” as claimed. Brown et al. also do not teach “authorizing an individual according to the determined user authorization method.” Applicant submits that a teaching of determining the order of precedence among authentication rules falls far short of teaching a method and system for setting security levels for different authentication methods and then allowing access to the secured password if the appropriate authentication technique (e.g. appropriate authentication technique such as password, fingerprint, etc.) at the appropriate security level is used. Thus, Applicant submits that Brown et al. also do not teach or suggest the shortcomings in Nielsen and Bellemore et al. noted above and certainly do not teach the afore-mentioned steps of "authorizing an individual" and then "providing a second other password for securing the plurality of files" as claimed. Brown et al. also do not teach or suggest changing passwords as claimed. Accordingly, the teachings of Brown et al. are not believed to be particularly relevant to claim 11.

Thus, even if one skilled in the art would have been motivated to combine the teachings of Brown et al. with the teachings of Nielsen and Bellemore et al. as the Examiner suggests, all of the limitations of claim 11 would not be met. In particular, none of the references teaches the claimed system, method or computer software for changing passwords. Applicant also can find no teaching, suggestion or motivation for one skilled in the art to have combined the teachings of the prior art references in the manner proposed by the Examiner. For these reasons, claims 11, 12, 15-20 as well as claims 38-40 are believed to be allowable over the teachings of Nielsen alone or in any proposed combination with the teachings of Bellemore et al. and Brown et al. Withdrawal of the prior art rejection and allowance of claims 1-12, 15-20 and 38-40 is thus solicited.

Allowance of claims 1-10 and 21-37

Applicant appreciates the Examiner's indication that claims 1-10 and 21-37 are allowed. In view of the allowability of claim 11 as expressed above, all claims (1-12 and 15-40) are believed to be allowable. Moreover, claim 11 is believed to be allowable for the same reasons as claim 31.

Conclusion

DOCKET NO.: IVPH-0041
Application No.: 09/625,547
Office Action Dated: August 16, 2006

PATENT

The present response is believed to obviate all rejections and objections of record.
Entry of this Amendment, withdrawal of all rejections, and issuance of a Notice of Allowability are respectfully requested.

Date: November 16, 2006

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